

1 **R277. Education, Administration.**

2 **R277-206. Drug Related Offenses.**

3 **R277-206-1. Authority and Purpose.**

4 ~~[A-]~~(1) This rule is authorized ~~[under]~~by:

5 ~~(a)~~ Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board~~;~~;

7 ~~(b)~~ ~~[by]~~Section 53A-6-306, which directs the Board to adopt rules regarding
8 UPPAC duties and procedures~~;~~ and

9 ~~(c)~~ ~~[by]~~Subsection 53A-1-401(3), which allows the Board to adopt rules in
10 accordance with its responsibilities.

11 ~~[B-]~~(2) The purpose of this rule is to establish procedures for disciplining
12 educators regarding drug related offenses.

13 ~~[C-]~~(3) The standards and procedures of the Utah Administrative Procedures
14 Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

15 **R277-206-2. Action by the Board if a Licensed Educator Has Been Convicted**
16 **of a Drug Related Offense.**

17 ~~[A-]~~(1)(a) If as a result of a background check, it is discovered that a licensed
18 educator has been convicted of a drug related offense in the previous ten years, the
19 ~~[following]~~minimum conditions described in this Subsection (1) shall apply~~;~~.

20 ~~([1]b)~~ ~~[e]~~One conviction--a letter shall be sent to the educator informing the
21 educator of the provisions of this rule~~;~~.

22 ~~([2]c)~~ ~~[f]~~Two convictions--a letter shall be sent to the educator informing the
23 educator of the provisions of this rule and requiring documentation of clinical
24 assessment and recommended treatment following the second conviction~~;~~.

25 ~~([3]d)~~ If the most recent conviction was more than three years prior to the
26 discovery of the conviction(s) and the educator provides documentation of clinical
27 treatment, the Board shall send a letter of warning to the educator~~;~~.

28 ~~([4]e)~~ If the most recent conviction was less than three years prior to the
29 discovery of the conviction(s) and the educator provides documentation of clinical
30 treatment, the Board shall send a letter of reprimand to the educator and a letter to
31 the district with notice of treatment~~;~~.

32 ([5]f) If the most recent conviction was less than three years prior to the
33 discovery of the conviction(s) and the educator provides no documentation of clinical
34 treatment, UPPAC or the Board may initiate an investigation of the educator based
35 upon the drug offenses[;].

36 ([6]g) Three convictions--a letter shall be sent to the educator informing the
37 educator of the provisions of this rule and requiring documentation of clinical
38 treatment following the third conviction[;].

39 ([7]h) If the most recent conviction was more than five years prior to the
40 discovery of the conviction(s) and the educator provides documentation of clinical
41 assessment and recommended treatment, the Board shall send a letter of warning
42 to the educator[;].

43 ([8]i) If the most recent conviction was less than three years prior to the
44 discovery of the conviction(s) and the educator provides documentation of clinical
45 assessment and recommended treatment, the Board shall send a letter of reprimand
46 to the educator and send a copy of the letter of reprimand to the educator's
47 employer[; and].

48 ([9]j) If the most recent conviction was less than three years prior to the
49 discovery of the conviction(s) and the educator provides no documentation of clinical
50 assessment and recommended treatment, UPPAC shall recommend suspension of
51 the educator's license to the Board, subject to the educator's right to a hearing under
52 Rule R277-202.

53 [B-](2) This rule does not preclude more serious or additional action by the
54 Board against an educator if circumstances warrant it.

55 **R277-206-3. Board Action Towards an Individual Who Does Not Hold**
56 **Licensing.**

57 [A-](1)(a) If as a result of a background check, it is discovered that an
58 applicant has been convicted of a drug related offense within ten years of the date
59 of the background check, the[following] minimum conditions described in this
60 Subsection (1) shall apply[;].

61 ([4]b) [o]One conviction--the individual shall be denied clearance for a period
62 of one year from the date of the conduct giving rise to the charge[;].

63 ([2]c) [t]Two convictions--the individual shall be denied clearance for a period
64 of three years from the date of the conduct giving rise to the most recent charge and
65 the applicant shall present documentation of clinical assessment and recommended
66 treatment before clearance shall be considered[;and].

67 ([3]d) [t]Three convictions--the individual shall be denied clearance for a
68 period of five years from the date of the conduct giving rise to the most recent
69 charge.

70 [B-](2) UPPAC or the Board may require the applicant to present
71 documentation of clinical assessment and recommended treatment and may
72 recommend denial of clearance.

73 **KEY: educators, disciplinary actions, drug offenses, background checks**

74 **Date of Enactment or Last Substantive Amendment: [July 8,]2015**

75 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-306; 53A-**
76 **1-401(3)**